HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
HONOURABLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.9732 OF 2006

Dated:13.07.2006

Suryaprakash Kothari

…Petitioner

The Station House Officer, C.C.S.,
Warangal and three others.

…Respondents

HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
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TAKEN UP WRIT PETITION NO.9732 OF 2006

ORAL ORDER: *(per Hon'ble Sri Justice D.S.R.Varma)*

Heard the learned Assistant Government Pleader, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a telegram, dated 29.04.2006, sent to this Court by one Suryaprakash Kothari, Resident of Hyderabad, alleging that one Mr. Bhupathi, Circle-Inspector of Police, C.C.S., Warangal, illegally detained his brother by name Kishanchand since 28.04.2006.

3. Further, it is on record that the said Bhupathi,

Circle-Inspector of Police, C.C.S., Warangal, informed over telephone at about 12.40 p.m., on 04.05.2006 that the above said person is not arrested.

4. In response to the notice from this Court, counter-affidavit has been filed by one K.Raja Rathnam, Sub-Inspector of Police, Kazipet Crime Police Station, stating that no such arrest of the alleged detenu, as alleged in the telegram, has been effected.

5. In order to verify further, this Court issued directions to the District and Sessions Judge, Warangal, to cause an enquiry as regards the veracity of the said fact put forth by the Sub-Inspector of Police, Kazipet Crime Police Station and submit a report. In compliance with the said directions of this Court, the District and Sessions Judge, Warangal, conducted an enquiry in detail and sent a report to this Court stating that he verified the Station House General Dairy from 27.04.2006 in order to know whether there was any entry in the General Dairy as regards the arrest of the alleged detenu, but it was found that no such entry was made therein. The Circle-Inspector of Police, C.C.S., Warangal, also denied the allegations made against him in the telegram. The said Circle-Inspector of Police is no other than the said Bhupathi, against whom the alleged illegal arrest was attributed. The learned District Judge also visited Kazipet Crime Police Station on 19.06.2006 at 1 p.m., verified the Station House General Diary and enquired one K.Rajarathnam, Sub-Inspector of Police, Kazipet Crime Police Station, who stated that Chandrayanagutta Police arrested one Habib Mohd and recovered certain properties from him; that since the said Habib Mohd is also involved in some property offences at Kazipet, after coming to know about the arrest of the said Habib Mohd at Hyderabad, he went to Hyderabad and made enquires and, thereafter, filed an application before the IV

Additional Judicial Magistrate of First Class, Warangal, for police custody of the said Habib Mohd. Consequently, the said Habib Mohd was taken into police custody on 28.04.2006 and was taken to Hyderabad on 29.04.2006. During interrogation at Hyderabad, the said Habib Mohd revealed the name of his sister-in-law by name Ameena Begum as the person who used to sell the stolen property to various shop owners. When the said Ameena Begum was interrogated, she further revealed the names of the alleged detenu, one Kishan Chand and other persons. Thereupon, when the said Kishanchand the alleged detenu and the other persons were questioned, they denied the allegations made against them. In fact, the same facts were revealed in the counter-affidavit, filed by the Sub-Inspector of Police, Kazipet Crime Police Station.

6. In other words, it is clear that the alleged detenu was available during the course of investigation and consequent upon the interrogation of Ameena Begum, the alleged detenu was also questioned. Since the report of the District Judge, Warangal, is very elaborate and matching with the averments made by the first respondent in the counter-affidavit, we do not find any merit in the writ petition to pass any orders.

7. For the foregoing reasons, the writ petition is liable to be closed and is, accordingly, closed, at the stage of admission.

D.S.R.VARMA, J

P.SWAROOP REDDY, J

13.07.2006

KA/DR